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UNCLAS SECTION 01 OF 02 BANGKOK 005419

SIPDIS

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SUBJECT: MORE CONCERNS ABOUT FREEDOM OF THE PRESS AS RTG
RADIO STATION, SUES LEADING ENGLISH-LANGUAGE NEWSPAPER

REF: BANGKOK 04723

1. (SBU) SUMMARY. Two recent moves by the RTG against media operations critical of Prime Minister Thaksin's government have renewed concerns within the human rights community that the government is once again resorting to legal measures to intimidate the country's press. After being warned twice, and seeing its website shut down in June, community radio station 92.25 was raided on August 9 and formally charged with violating national broadcasting regulations. On August 15, RTG authorities filed a criminal libel lawsuit against the Bangkok Post after the newspaper published a story on August 9 (which it retracted one day later) alleging serious structural problems at Bangkok's new airport. The government's lawsuit, which seeks 1 billion baht in damages and a series of apologies, will be heard in September. END SUMMARY

2. (U) Controversial community radio station Khon Rak Prachathipatai (People Who Love Democracy) FM 92.25 was raided in the afternoon of August 9 by thirty officers from the Royal Thai Police, (RTP) Crime Suppression Division, the Public Relations Department and the National Telecommunications Commission. The station was charged with (a) transmitting radio frequencies and possessing radio transmitters without permission, (b) interfering with mainstream airwaves and (c) a criminal charge of interfering with aviation transmissions. The station was also verbally accused of "broadcasting false information", although the authorities stopped short of charging the station with slander. Officers also confiscated the station's transmitter (effectively closing the station down) in a search that lasted approximately two hours. Thai authorities also confiscated the station ID cards of some members of staff, who were told they would be arrested if they continued broadcasting. A spokesman for the Thai Prime Minister's office defended the government's actions, arguing the station had already been warned about these violations in April and June. The station insists they had already adjusted their broadcasts to comply with the regulations.

WARNING SIGNS LAST JUNE

3. (SBU) 92.25 is no stranger to trouble. Its website was briefly shut down on June 20. Embassy contacts believed the station would cease being a target of government enmity after the departure of controversial radio host Anchalee Paireeraka. Ms. Anchalee, a prominent political activist and fierce critic of the Thaksin administration, frequently accused the government of corruption in her programs. She quit on June 23, alleging that she had been followed and physically threatened and was quitting "to save (her) life." In a July 2005 meeting, Sunai Phasuk of Human Rights Watch (HRW) told Poloffs that Anchalee personally believed that she was the government's primary target and that the station would be left alone after she quit. (Reftel A)

CRITICS RAISE CONSTITUTIONAL CONCERNS

4. (U) As of August 22, the station was not back on the air. A Thai language statement on the station's website stated that the Government's actions had violated the rights of the people and may have violated the Thai Constitution. The Association of Thai Radio and Television Journalists also issued a statement on August 10 criticizing the raid, and asserting that the government had "come close" to violating the constitutionally guaranteed right to freedom of the press. Dr. Ubonrat Siriyuwasak, a media expert at Chulalongkorn University, told Poloff she was worried this raid was marked the beginning of a government campaign to close down all of the nation's 2000 community radio stations.

BANGKOK POST UNDER SUIT

5. (U) On August 15, government-affiliated Airport Authority of Thailand and the New Bangkok International Airport filed a criminal libel suit against the parent company of the Bangkok Post, one of Thailand's two prominent English language dailies. The legal action was in response to an August 9 front-page story reporting the existence of severe cracks on the new airport's runways and that US experts had said it would have to be re-built. The paper quickly admitted that the source for the story had clearly been wrong, and printed

a retraction the next day, but the RTG was not assuaged. In addition to criminal and civil damages, the plaintiffs are demanding the defendants pay for a massive series of advertisements in the international print and broadcast media publicizing the trial's verdict. A Thai court accepted the lawsuit for consideration and scheduled preliminary examinations for September 19.

16. (U) In the meantime, the Bangkok Post has launched an internal investigation into the matter, with results expected to be announced this week. International press freedom groups have roundly condemned the lawsuit, including the Southeast Asian Press Alliance (SEAPA), which released a statement announcing that "the government's course of action is to harass the press. This...will have a chilling effect on press freedom in Thailand." The English language "Nation" newspaper has also been highly critical of the lawsuit against its arch-rival, calling the government's action "a very rare and staggering legal move."

17. (SBU) COMMENT. The lawsuit against the Bangkok Post and the closures of the radio station and the website on legal technicalities appear to many here to be evidence of the RTG's continuing resort to use the legal system to "punish" media enterprises critical of the government. The raid on the radio station, involving thirty law enforcement personnel, appeared gratuitous. In light of these recent developments, some editors, broadcasters and NGOs may be tempted to self-censor themselves to avoid incurring the wrath of the RTG. Though some in the government may claim "victory", it rings hollow- a cowed press is hardly in the country's best interest. END COMMENT.
BOYCE